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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,611	04/04/2000	Dana Swift		5370

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EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

## Office Action Summary

**Application No.**

09/542,611

**Applicant(s)**

SWIFT ET AL.

**Examiner**

Jean W. Désir

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-11, 14, 24, 25, 27, 28 and 30-34 is/are rejected.
- 7) ☒ Claim(s) 6-8, 12, 13, 15-23 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5. 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 11, 14, 24, 27, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Bozdagi (US 5,784,115).

#### **Claim 1:**

The claimed “capturing a complete frame of an interlaced video image, the complete frame having a first raster field and an interlaced second raster field” is disclosed, see col. 4 lines 34-36, Fig. 9;

the claimed “automatically correcting for camera motion; automatically correcting for subject motion” is disclosed, see col. 2 line 59 to col. 3 line 24 where automatically corrected for camera motion (global motion) and subject motion (local motion) happened as claimed;

the claimed “and displaying an image corrected for camera motion and subject motion” is disclosed, see col. 10 lines 60-63, Fig. 22, where an image corrected for camera motion (global motion) and subject motion (local motion) is displayed as claimed.

Claim 2 is disclosed, see col. 6 lines 34-38.

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Claim 11 is disclosed, see col. 3 lines 19-24.

Claim 14 is disclosed, see col. 10 lines 29-38.

Claim 24 is disclosed, see col. 2 lines 59-65.

**Claim 27:**

The “an image recording camera for capturing complete frames of video images; a digital capture unit for processing live video images and captured frames of video images” is disclosed, see Fig. 5 items 400, 300, col. 4 lines 32-36, col. 2 line 60;

the claimed “a first filter for automatically correcting for camera motion; a second filter for automatically correcting for subject motion” is disclosed, see col. 6 lines 28-39, col. 2 line 59 to col. 3 line 24;

the claimed “a video monitor for displaying images” is disclosed, see col. 4 line 46 where the output device is considered as a video monitor for displaying images as claimed.

Claim 30 is disclosed, see col. 10 lines 60-63.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5, 9, 10, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bozdagi (US 5,784,115) in view of Topper (US 6,545,719).

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Claim 3:

The claimed "performing auto-correlation on the first raster field with respect to the second raster field" as claimed in claim 3 is not explicitly disclosed by Bozdagi. However, performing auto-correlation as claimed is a very well known procedure in the art used in motion compensation that would result in producing improved quality image, as evidence see Topper at col. 6 lines 8-20. An artisan would be motivated to combine the references to arrive at the claimed invention; this combination would correct artifacts due to camera motion for instance, and result in good quality picture. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 4, 5 are disclosed, see Topper at col. 6 lines 8-20.

Claim 9, 10 are disclosed, see Topper at col. 7 lines 19-37.

Claim 28 is rejected for the same reasons as claims 3-4, and 9-10.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bozdagi (US 5,784,115).

Bozdagi's disclosure would have rendered claim 25 obvious to an artisan; Bozdagi's disclosure is not limited to a specific environment; an artisan would be motivated to use Bozdagi's disclosure in medical environment, for instance "during surgical procedures" as claimed in claim 25, because Bozdagi's disclosure would provide high quality images for surgeons to examine. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

6. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bozdagi (US 5,784,115) in view of Branson (US 5,877,819).

Claim 31:

The claimed "a freeze mode for freezing live video images and displaying frozen images on the video monitor" is not explicitly disclosed, verbatim, by Bozdagi. However, freeze mode as claimed is very well known procedure in the art used for freezing live video images and/or for toggling between frozen and live images, as evidence see Branson at col.3 lines 36-44. An artisan would be motivated to combine the references to arrive at the claimed invention, this combination would allow users to freeze live images and/or toggle between frozen and live images. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 32 is disclosed, see Branson at col. 3 lines 36-44, Bozdagi at col. 4 lines 34-36.

Claim 33 is disclosed, see Branson at Fig. 1 item 12.

Claim 34 is disclosed, see Branson at Fig. 1 item 18, col. 6 lines 21-23, and also Bozdagi at col. 4 lines 46-47.

### ***Allowable Subject Matter***

7. Claims 6-8, 12, 13, 15-23, 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. **Claim 26** is allowed.

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jean W. Désir** whose telephone number is **(703) 308-9571**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**JWD**  
**Nov. 26, 03**

  
**MICHAEL H. LEE**  
**PRIMARY EXAMINER**